

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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JUSTIN CUMMINGS,

Plaintiff,

v.

No. 1:09-CV-817  
(FJS/DRH)

J.A. CARMAN TRUCKING COMPANY, INC.,

Defendant.

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**JUDGMENT DISMISSING ACTION BY REASON OF SETTLEMENT**

The Court has been advised by United States Magistrate Judge David R. Homer that the parties in the above-captioned case have reported to him that the case has been settled. Counsel has also advised Judge Homer that no infant or incompetent is a party to this action. Accordingly, pursuant to N.D.N.Y.L.R. 68.2(a), it is hereby

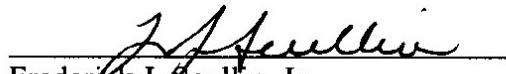
**ORDERED** that:

1. The above-captioned case is hereby **DISMISSED** in its entirety **without prejudice** to re-opening upon the motion of any party within thirty (30) days of the date of the filing of this order upon a showing that the settlement was not consummated;
2. The dismissal of the above-captioned case shall become **with prejudice** on the thirty-first day after the date of the filing of this order unless any party moves to re-open this case within thirty (30) days of the date of the filing of this order upon a showing that the settlement was not consummated; and

3. The Clerk shall forthwith serve this Judgment upon the attorneys for the parties appearing in this action by electronic mail.

**IT IS SO ORDERED.**

DATED: April 22, 2010  
Syracuse, New York

  
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Frederick J. Scullin, Jr.  
Senior United States District Court Judge